IC21UU Bldg./Room RANDOLPH
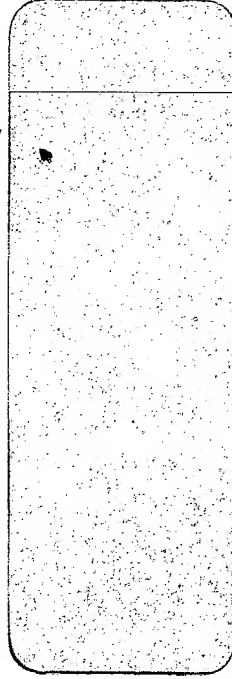
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NOTICE OF ALLOWANCE AND FEE(S) DUE

7590	11/03/2005

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EXAMINER
DIVECHA, KAMAL B

ART UNIT	PAPER NUMBER
2151	

DATE MAILED: 11/03/2005

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/943,766	08/30/2001	John C. Graham	14531.127	2467

TITLE OF INVENTION: METERED INTERNET USAGE

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	$1400	$300	$1700	02/03/2006

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. ·

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PTOL-85 (Rev. 07/05) Approved for use through 04/30/2007.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: <u>Mail</u>

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INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

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7590   11/03/2005

RICK D. NYDEGGER
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I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

	(Depositor's name)
	(Signature)
	(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/943,766	08/30/2001	John C. Graham	14531.127	2467

TITLE OF INVENTION: METERED INTERNET USAGE

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	$1400	$300	$1700	02/03/2006

EXAMINER	ART UNIT	CLASS-SUBCLASS
DIVECHA, KAMAL B	2151	709-229000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

❑ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

❑ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,

(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1_____

2_____

3_____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE   (B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent) : ❑ Individual ❑ Corporation or other private group entity ❑ Government.

4a. The following fee(s) are enclosed:
❑ Issue Fee
❑ Publication Fee (No small entity discount permitted)
❑ Advance Order - # of Copies_____

4b. Payment of Fee(s):
❑ A check in the amount of the fee(s) is enclosed.
❑ Payment by credit card. Form PTO-2038 is attached.
❑ The Director is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number_____ (enclose an extra copy of this form).

5. **Change in Entity Status** (from status indicated above)
❑ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.   ❑ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above. NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____   Date _____

Typed or printed name _____   Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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PTOL-85 (Rev. 07/05) Approved for use through 04/30/2007.   OMB 0651-0033   U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/943,766	08/30/2001	John C. Graham	14531.127	2467

7590	11/03/2005

RICK D. NYDEGGER
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Salt Lake City, UT 84111

EXAMINER
DIVECHA, KAMAL B

ART UNIT	PAPER NUMBER
2151	

DATE MAILED: 11/03/2005

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)
(application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 739 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 739 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (http://pair.uspto.gov).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571) 272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.

PTOL-85 (Rev. 07/05) Approved for use through 04/30/2007.

	Application No.	Applicant(s)
Notice of Allowability	09/943,766	GRAHAM, JOHN C.
	Examiner	Art Unit	
	KAMAL B. DIVECHA	2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to *08/25/2005*.

2. ☒ The allowed claim(s) is/are *1-8,10-16,18-25,30-42 and 44-47*.

3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some*   c) ☐ None   of the:

        1. ☐ Certified copies of the priority documents have been received.

        2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

        3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

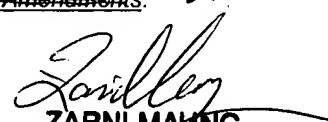   * Certified copies not received: _____ .

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

    (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached

        1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____ .

    (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____ .

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)

2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)

3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____

4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

5. ☐ Notice of Informal Patent Application (PTO-152)

6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____ .

7. ☒ Examiner's Amendment/Comment

8. ☒ Examiner's Statement of Reasons for Allowance

9. ☒ Other *Proposed Amendments*.

ZARNI MAUNG
SUPERVISORY PATENT EXAMINER

Application/Control Number: 09/943,766
Art Unit: 2151

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or

additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR

1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the

payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with

Jens C Jenkins on October 26, 2005.

The application has been amended as follows:

In the claims:

Please cancel claims 17 and 43.

In claim 18, please replace "17" with – 12 –

In claim 44, please replace "43" with – 39 –

Please amend claims 1, 12, 20 and 30 as follows:

1.   (Currently Amended) In a computer network that comprises one or more servers providing one or more services to at least one client, and wherein the at least one client accesses the one or more services through ~~one of~~ the one or more servers during a plurality of sessions created in response to a login request from the at least one client, with at least some of the plurality of sessions occurring simultaneously, and wherein access to the one or more services during a particular session ~~may include~~ includes at least one of a charged time portion and a free time portion, a method of tracking the at least one client usage of the one or more services during each session ~~and whether, for each session the access to a service is a charged time portion or a free time portion~~, the method comprising acts of:

> receiving at one of the one or more servers one or more metering packets from the at least one client, each of the one or more metering packets being generated at the at least one client and each metering packet being used at the at least one client to store data for tracking usage of one or more services during each session, and each metering packet comprising a data structure for storing the following data:

>> a session identifier element that links a particular metering packet with a particular session;

>> a time element indicating the at least one client's usage of the one or more services, the time element comprising a charged time portion and a free time portion, wherein the charged time portion corresponds to access to one or more services that incurs an access charge, and wherein the free time portion corresponding to access to one or more services that does not incur an access charge; and

>> a sequence number element; and the one or more servers updating a usage database based on the received one or more metering packets by

>> using the sequence number element to determine whether each received metering packet is redundant of any prior metering packet already stored in the usage database, and if so, discarding it, and if not, then

>> storing ~~the~~ each received metering packet that is not redundant in the usage database in order to store the data contained in ~~the~~ each received metering packet that is not redundant, and from which it can ~~may~~ be determined from the time element whether the at least client's usage of the one or more services during the particular session for that received metering packet is a charged time portion or a free time portion.

12.   (Currently Amended) In a computer network that comprises one or more servers providing one or more services to at least one client, and wherein the at least one client accesses the one or more services through ~~one of~~ the one or more servers during a plurality of sessions created in response to a login request from the at least one client, with at least some of the plurality of sessions occurring simultaneously, and wherein access to the one or more services during a particular session ~~may include~~ includes at least one of a charged time portion and a free time portion, a method of tracking the at least one client usage of the one or more services during each session ~~and whether, for each session the access to a service is a charged time portion or a free time portion~~, the method comprising acts of:

in response to a login request received at one server of the one or more servers from the at least one client, a step for communicating from said one server to the at least one client usage tracking parameters;

thereafter a step for one or more metering packets being generated at the at least one client,

each metering packet being used at the at least one client to store data for tracking usage of one or more services during each session, and each metering packet comprising a data structure for storing the following data:

a session identifier element that links a particular metering packet with a particular session; and

a time element indicating the at least one client's usage of the one or more services, the time element comprising a charged time portion and a free time portion, wherein the charged time portion corresponds to access to one or more services that incurs an access charge, and wherein the free time portion corresponding to access to one or more services that does not incur an access charge;

said one server performing a step for identifying one or more sessions through which the at least one client has accessed the one or more services;

the one server performing a step for monitoring metering packets that are received from the at least one client; and

the one server performing a step for tracking the at least one client's usage of the one or more services during each session based on the received one or more metering packets in order to store data from which it can be determined whether the at least one client's usage of the one or more services during each session is a charged time portion or a free time portion.

20.   (Currently Amended) A computer program product for implementing, in a computer network that comprises one or more servers providing one or more services to at least one client, and wherein the at least one client accesses the one or more services through ~~one of~~ the one or more servers during a plurality of sessions created in response to a login request from the at least one client, with at least some of the plurality of sessions occurring simultaneously, and wherein access to the one or more services during a particular session ~~may include~~ includes at least one of a charged time portion and a free time portion, a method of tracking the at least one client usage of the one or more services during each session ~~and whether, for each session the access to a service is a charged time portion or a free time portion~~, the computer program product comprising a computer readable medium for carrying machine-executable instructions that implement the method, and the method comprising:

in response to a login request received at one server of the one or more servers from the at least one client, a step for communicating from said one server to the at least one client usage tracking parameters;

thereafter a step for one or more metering packets being generated at the at least one client,

each metering packet being used at the at least one client to store data for tracking usage of one or more services during each session, and each metering packet comprising a data structure for storing the following data:

a session identifier element that links a particular metering packet with a particular session; and

a time element indicating the at least one ~~client's~~ usage of the one or more services, the time element comprising a charged time portion and a free time portion, wherein the charged time portion corresponds to access to one or more services that incurs an access charge, and wherein the free time portion corresponding to access to one or more services that does not incur an access charge;

said one server performing a step for identifying one or more sessions through which the at least one client has accessed the one or more services;

the one server performing a step for monitoring metering packets that are received from the at least one client; and

the one server performing a step for tracking the at least one ~~client's~~ usage of the one or more services during each session based on the received one or more metering packets in order to store data from which it can be determined whether the at least one ~~client's~~ usage of the one or more services during each session is a charged time portion or a free time portion.

30.   (Currently Amended) In a computer network that comprises at least one server, the at least one server providing one or more services to at least one client that accesses the one or more services through the at least one server during a plurality of sessions created in response to a login request from the at least one client, with at least some of the plurality of sessions occurring simultaneously, and wherein access to the one or more services during a particular session includes at least one of ~~may include~~ a charged time portion and a free time portion, a method of tracking the at least one client usage of the one or more services during each session ~~and whether, for each session the access to a service is a charged time portion or a free time portion~~, the method comprising acts of:

a client sending a login request to a login service;

accessing, through one or more sessions created in response to the login request, at least one of the one or more services provided by one or more servers and tracking parameters corresponding to client usage of the one or more services;

generating a plurality of metering packets corresponding to a single session that each includes a time element indicating ~~the~~ the at least one client's usage of the one or more services, each metering packet being used at the client to store data for tracking usage of the one or more services during each session, and each metering packet comprising a data structure for storing the following data:

a session identifier element that links a particular metering packet with a particular session; and

a time element indicating the at least one client's usage of the one or more services, the time element comprising a charged time portion and a free time portion, wherein the charged time portion corresponds to access to one or more services that incurs an access charge, and wherein the free time portion corresponding to access to one or more services that does not incur an access charge; and

sending at least one of the plurality of metering packets to a census service, wherein the census service updates a usage database based on the metering packets so that the usage database reflects the at least one client's usage of the one or more services provided by the ~~one or more servers~~ at least one server.

Application/Control Number: 09/943,766
Art Unit: 2151

The following is an examiner's statement of reasons for allowance:

The primary reasons for allowance of the claims is the inclusion of a time element in a metering packets that indicates the clients usage of the provided services, wherein the time element includes a charged time portion for tracking access to services that incurs an access charge and a free time portion for tracking access to services that does not incur an access charge.

The prior art made of record (i.e. U. S. Patent No. 6,018,619 to Allard et al) fails to teach and suggest the process of tracking client usage of one or more services provided by one or more servers, wherein the clients generate the metering packet which includes a time element, which further includes a charged time portion for access to services that incurs an access charge and a free time portion for access to services that does not incur access charge.

The motivation of tracking and distinguishing between various types of access and services is clearly pointed out in the instant application. The client generated metering packets in the instant application provides increased flexibility and enhanced accuracy, in terms of what usage incurs an access charge. The charge time portion and free time portion improvement in the instant application offers significantly flexibility in billing clients because it may be desirable for service providers to provide some access to services without charge.

Therefore based on reasons and advantages set forth above, currently amended claims are determined to be in condition for allowance.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

Application/Control Number: 09/943,766
Art Unit: 2151

fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KAMAL B. DIVECHA whose telephone number is 571-272-5863. The examiner can normally be reached on Flex schedule 8 hr days (10.00am-6.30pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on 571-272-3939. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KD.

October 27, 2005.

ZARNI MAUNG
SUPERVISORY PATENT EXAMINER

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-6,018,619	01-2000	Allard et al.	709/224
*	B	US-6,170,075	01-2001	Schuster et al.	714/776
*	C	US-6,651,099	11-2003	Dietz et al.	709/224
*	D	US-6,289,451	09-2001	Dice, David	713/168
*	E	US-6,275,471	08-2001	Bushmitch et al.	370/248
*	F	US-6,615,258	09-2003	Barry et al.	709/223
*	G	US-6,778,509	08-2004	Ravishankar et al.	370/322
*	H	US-6,092,191	07-2000	Shimbo et al.	713/153
*	I	US-6,119,227	09-2000	Mao, Wenbo	713/171
*	J	US-6,055,575	04-2000	Paulsen et al.	709/229
	K	US-			
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*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.